AMENDMENTS TO THE DRAWINGS

Replacement formal Figures 2 and 2A are submitted concurrently herewith under a separate cover letter.

REMARKS

In view of the above amendments and the following remarks, reconsideration of the objections and rejections set forth in the Office Action of July 24, 2008 is respectfully requested.

In order to make necessary editorial corrections, the entire specification and abstract have been reviewed and revised. As the revisions are quite extensive, the amendments to the specification and abstract have been incorporated into the attached substitute specification and abstract. For the Examiner's benefit, a marked-up copy of the specification indicating the changes made thereto is also enclosed. No new matter has been added by the revisions. Entry of the substitute specification is thus respectfully requested.

The Examiner objected to the original drawings due to an apparent discrepancy in Figure 2. In particular, the Examiner asserted that the valve piston with the bore as recited in claim 9 is not clearly shown in elected Figures 2 or 2A. In response to this objection, new Figures 2 and 2A have been prepared and submitted herewith. In particular, the arrow associated with reference number 2 in Figure 2 has been changed to properly identify the bore in the valve piston 1. In addition, it was noted that several of the reference numbers in Figure 2A were incorrect. Thus, Figure 2A has also been modified to properly label the first return spring 7, and remove the incorrect reference numbers 12 and 23. In view of the corrections noted above and the submission of new formal Figures 2 and 2A, it is respectfully submitted that the Examiner's objections to the drawings have been overcome.

The Examiner objected to several of the original claims and also set forth various formal rejections of the original claims. In particular, the Examiner objected to original claims 9 and 13 due to various formal matters, and rejected claim 9 in view of language that rendered claim 9 indefinite. In this regard, all of the new claims have been cancelled and replaced with new claims 17-25, including new independent claim 17. The new claims have been drafted so as to address the Examiner's formal objections and rejections, and so as to fully comply with all of the requirements of 35 U.S.C. § 112. Moreover, it is submitted that all of new claims 17-25 read on the elected invention of Figure 2 and Figure 2A. In view of the above, it is submitted that the Examiner's formal objections and rejections are not applicable to the new claims.

In the outstanding Office Action, the Examiner rejected claims 9-12 as being anticipated by the Smith reference (USP 3,664,462); and rejected claims 13 and 14 as being unpatentable over the Smith reference in view of either the Conley reference (U.S. Publication 2003/0089553), the Cowles reference (USP 1,652,764) or the Davis reference (USP 2,550,535). As noted above, however, the original claims have been cancelled and replaced with new claims 17-25, including new independent claim 17. For at least the reasons discussed below, it is respectfully submitted that the new claims are clearly patentable over the prior art of record.

The present invention is directed to a simplified distributor element for accurately metering lubricant from lubricating installations. The distributor element of new independent claim 17 contains numerous features not taught or even suggested in the prior art as explained below.

(I) The distributor element of independent claim 17 comprises a valve piston *having a bore for allowing lubricant to flow there through*, the valve piston being operable to move within a housing under pressure from a lubricant entering the housing through a lubricant inlet. The arrangement of the bore in the valve piston of the present invention enables the valve piston to properly control the flow of the lubricant through the distributor element as recited in claim 17 and described in the specification and below.

In the outstanding Office Action, the Examiner noted that the Smith reference teaches a piston 41, as illustrated in Figures 3-9. However, the piston 41 of the Smith reference does not have a *bore* for allowing lubricant to flow therethrough. Although the Examiner appears to be taking the position that cross-sectional Figures 7-9 show that the piston 41 has a bore, the Applicants disagree. In this regard, only the cross-sectional view of Figure 8 includes the piston (check valve piston) 41, and this Figure simply appears to illustrate the piston 41 within the check valve cylinder sleeve 38 (see also Figure 6). There is no teaching within the Smith reference to even suggest that the piston 41 has a bore.

(II) Independent claim 17 also recites that the distributor element comprises a hollow supporting body arranged within the housing between the first return spring and the second return

spring *such that the hollow supporting body supports and provides leverage for each of the first return spring and the second return spring.* The Smith reference does not teach this feature.

In the outstanding Office Action, the Examiner asserted that the check valve cylinder 38 of the Smith reference corresponds to the hollow supporting body of the present invention, and is located between the first return spring 64 and the second return spring 45. However, as clearly illustrated in each of Figures 3-5 of the Smith reference, the second return spring is located between a washer 37 at the top of the housing and the dispensing piston 42. In other words, the dispensing piston 42 of the Smith reference supports and provides leverage for the second return spring 45, rather than the check valve sleeve 38. Thus, the Smith reference does not teach or even suggest a hollow supporting body *that supports and provides leverage for each of the first return spring and the second return spring,* as recited in independent claim 17.

(III) Due in part to the absence to the above features, the Smith reference also does not teach or even suggest a valve piston or a dispensing piston operable to move within a housing as recited in new independent claim 17. For example, because the piston 41 of the Smith reference does not have a bore, the piston 41 is not operable to be located within a housing at a starting position whereat the valve piston is positioned such that the bore of the valve piston allows a dispensing chamber to communicate with a metering chamber via a connecting passage.

In this regard, it is also noted that the Examiner asserted that the Smith reference teaches a dispensing chamber 63. However, reference number 63 of the Smith reference actually identifies a *pressure chamber* which fills with lubricant to move the piston 42 upwards. Thus, the pressure chamber 63 is similar in function to the metering chamber of the present invention (see column 7, lines 64-84 of the Smith reference). Similarly, the measuring chamber 54 of the Smith reference is similar to the dispensing chamber of the present invention in that the lubricant which accumulates in the measuring chamber 54 is forced out of the valve through the outlet 57 by the dispensing piston 42 (see column 6, line 75 thru column 7, line2 of the Smith reference). In view of this significant difference, it is clear that the Smith reference has a distinctly different structure than the present invention, and does not teach or even suggest a combination of components arranged in the manner recited in new independent claim 17. Therefore, it is

respectfully submitted that the Smith reference clearly does not anticipate or even render obvious new independent claim 17.

The Conley reference, the Cowles reference, and the Davis reference also do not teach or suggest a valve piston having a bore or a hollow supporting body which supports and provides leverage for each of a first return spring and a second return spring as recited in new independent claim 17. Thus, it follows that these references also do not teach or suggest the arrangement of the valve piston and the hollow supporting body in combination with the other components as recited in independent claim 17.

Moreover, it is submitted that the lubricating/valve elements of the Conley reference, the Cowles reference, and the Davis reference, operate in a completely different manner than the device of the Smith reference. Therefore, any attempt to combine these references with the Smith reference would result in complete destruction of the operation of the Smith reference. Therefore, for all of the above reasons, it is respectfully submitted that one of ordinary skill in the art would have no apparent reason to use any teaching in the Conley reference, the Cowles reference, or the Davis reference so as to modify the Smith reference to obtain the present invention as recited in new independent claim 17. Accordingly, it is respectfully submitted that new independent claim 17 is clearly patentable over the prior art of record.

The Examiner is also requested to note that new dependent claims 22-24 correspond to original dependent claims 15-17, respectively. In this regard, the Examiner provided no prior art rejections of original claims 15-17 in the previous Office Action. Therefore, because new dependent claims 22-24 contain all of the subject matter of previously-pending dependent claims 15-17, the Applicants assume that at least new dependent claims 22-24 are distinguishable from the prior art of record in view of the absence of any prior art rejections of these claims in the previous Office Action.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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